UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,611	10/23/2003	Imran A. Chaudhri	P3012-832	5910

21839 7590 04/01/2008

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
HEFFINGTON, JOHN M	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
04/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/690,611	CHAUDHRI, IMRAN A.	
	Examiner	Art Unit	
	JOHN M. HEFFINGTON	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,9,11-15,17-24,26-36,38-48 and 50-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,9,11-15,17-24,26-36,38-48 and 50-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to RCE filing of 19 February 2008. Claims 1, 9, 15, 19, 21, 23, 26, 30, 35, 38, 42, 47, 50 and 54 have been amended. Claims 2, 3, 7, 8, 10, 16, 25, 37 and 49 have been canceled. Claims 1, 4-6 and 9, 11-15, 17-24, 26-36, 38-48 and 50-58 have been considered and are pending below.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 February 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 19 February 2008 have been fully considered but they are not persuasive.

With respect to the amendments to claims 1, 9, 15 and 19, the applicant argues that Simpson (Windows 95 Uncut) does not disclose that first and second cursor images are distinct from each other, and that a third cursor image is a visual combination of the first and second images. The examiner respectfully disagrees. In Simpson, page 138

figure 7-3 shows at least four different images, a pointer for Normal Select, an hour glass for Busy, a pointer and hour glass for Working in Background, and a pointer and question mark for Help Select. The Working in Background cursor is clearly a combination of the Normal Select and Busy cursors. Also, note that a question mark appears at the top right of Mouse Properties dialog in figure 7-3. When this question mark is selected with a Normal Select cursor, the Help Select cursor is displayed as the combination of a Normal Select cursor and a question mark.

With respect to the amendments to claims 23, 35 and 47, the applicant argues that neither Malamud (US 6,606,101) nor Marks (US 6, 097,390), either alone or in combination with Simpson would have taught or suggested a first image which comprises a pointer arrow having a tail, and a second image which comprises a hybrid consisting of a pointer arrow with a graphic in place of said tail, wherein said graphic represents a condition of a process;...wherein said condition is the dragging of an object, and said displaying means switches said display upon initiation of a drag operation. The examiner respectfully disagrees. It is know that in Windows 95® when an object is dragged, a ghost of the object is attached to the cursor during the drag operation (Cowart, Mastering Windows 95 The Windows 95 Bible, ISBN: 0-7821-1413-X, Sybex, page 219, Moving and Copying). Further, Sagman (Microsoft Office XP ® for Windows: Visual QuickStart Guide, ISBN: 0-201-74147-4, Peachpit Press, chapter 2, level 1, section 4, Dragging and Dropping Text) discloses a gray box image being combined with a Normal Select cursor to form a drag-and-drop cursor (figure 2-10).

Since Windows XP ® is the later version of Windows 95 ®, then it would have been obvious to add a first image which comprises a pointer arrow having a tail, and a second image which comprises a hybrid consisting of a pointer arrow with a graphic in place of said tail, wherein said graphic represents a condition of a process;...wherein said condition is the dragging of an object, and said displaying means switches said display upon initiation of a drag operation to Simpson.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Simpson (Windows 95 Uncut).

Claim 1 and 19: Simpson discloses a computer system, comprising:

a. a display device on which windows and other graphical user interface elements are displayed (page 115, Personalizing the Screen);
b. a cursor control device for positioning a cursor displayed on said display device relative to said user interface elements (page 137, figure 7-2);
c. and a user interface which controls the appearance of said cursor to display a first image when said cursor is positioned over a user interface element that can

be immediately accessed by a user, a second image when said cursor is positioned over a window associated with a foreground application that is in a busy state that prevents it from being currently accessed, and a third image when said cursor is positioned over a user interface element associated with a background process that is in a busy state , wherein said first and second images are distinct from each other, and said third image is based on a visual combination of the first and second images (page 138, figure 7-3);

d. wherein the window has a first portion associated with said application and a second portion associated with said user interface (page 36, figure 2-6), and
e. wherein said second image is only displayed when said cursor is positioned over said first portion of the window (page 138, figure 7-3).

Claim 2: Simpson discloses the computer system of claim 1, wherein said foreground process is an application (page 57, Understanding Programs and Documents) and said associated user interface element is a window (page 31, Managing Windows).

Claim 3: Simpson discloses the computer system of claim 2, wherein the window has a first portion associated with said application and a second portion associated with said user interface (page 32, figure 2-3), and wherein said second image is only displayed when said cursor is positioned over said first portion of the window (page 138, figure 7-3).

Claim 4: Simpson discloses the computer system of claim 1, wherein said first image comprises a pointer, and each of said second and third images comprise designs that indicate a wait state (page 138, figure 7-3).

Claim 5: Simpson discloses the computer system of claim 4, wherein each of said wait state designs is animated (page 139, Finding Automated Cursors).

Claim 6: Simpson discloses the computer system of claim 4, wherein said third image comprises a hybrid of the design of said second image and a pointer (page 138, figure 7-3).

Claim 7: Simpson discloses a user interface for a computer, comprising: at least three different images that are associated with a cursor and that respectively indicate

a. a currently accessible state (page 138, figure 7-3),
b. a busy state for a foreground process (page 138, figure 7-3), and
c. a busy state for a background process (page 138, figure 7-3); and
d. means for detecting the position of a cursor relative to a user interface object (page 134, Personalize the Mouse) and
e. selectively displaying one of said three images at said position to indicate the state of a process associated with the object (page 138, figure 7-3).

Claim 8: Simpson discloses the user interface of claim 7, wherein the object comprises a window associated with an application program, and the selected image indicates the state of the application (Page 31, Managing Windows).

Claims 9 and 15: Simpson discloses a method and computer readable medium for displaying a cursor in a computer user interface, comprising the steps of:

a. detecting when the cursor is positioned relative to an object associated with a process (page 246, figure 13-4);
b. determining whether the process is in a state where its functionality can be currently accessed or in a busy state (page 138, figure 7-3);
c. for a process that is in a busy state, determining whether the process is operating in the foreground or the background (page 138, figure 7-3);
d. selectively displaying a first image for the cursor if the process is busy and operating in the foreground (page 138, figure 7-3),
e. or a second image for the cursor if the process is busy and operating in the background (page 138, figure 7-3), and
f. displaying a third image for the cursor if the process is in said state where its functionality can be currently accessed, wherein said first and third images are distinct from each other, and said second image is based on a visual combination of the first and third images (page 138, figure 7-3).

Claims 10 and 16: Simpson discloses the method and computer readable medium of claim 9 and 15, further including the step of displaying a third image for the cursor if the process is in said state where its functionality can be currently accessed (page 138, figure 7-3).

Claims 11, 17 and 18: Simpson discloses the method and computer readable medium of claims 10 and 15:

a. wherein the image associated with an object that is currently accessible comprises a pointer (page 138, figure 7-3),
b. the image associated with a busy foreground process indicates a wait state (page 138, figure 7-3),
c. the image associated with a busy background process comprises a hybrid of said other two images (page 138, figure 7-3).

Claim 12: Simpson discloses the method of claim 9

a. wherein said first image comprises a symbol that represents a wait state, and (page 138, figure 7-3)
b. said second image comprises a combination of said symbol and an indicator that represents accessibility (page 138, figure 7-3.

Claim 13: Simpson discloses the method of claim 9:

a. wherein said foreground process is an application and (page 57, Understanding Programs and Documents)
b. said associated user interface object is a window (Page 31, Managing Windows).

Claim 14: Simpson discloses the method of claim 13

a. wherein the window has a first portion associated with said application and (page 32, figure 2-3)
b. a second portion associated with said user interface, and (page 32, figure 2-3)
c. wherein the image associated with a foreground process that is currently busy is only displayed when said cursor is positioned over said first portion of the window (page 138, figure 7-3).

Claim 20: Simpson discloses the computer system of claim 19

a. wherein one of said plurality of user interface objects that represents a given application comprises a window, and (page 31, Managing Windows)
b. another of said plurality of objects that represents said given application is a member of the group comprising an icon, a minimized window and a button (page 246, figure 13-4).

Claim 21: Simpson discloses a method for displaying a cursor in a computer user interface, comprising the steps of:

a. representing an application being executed on a computer by means of a plurality of user interface objects displayed on a desktop of the user interface (page 246, figure 13-4);
b. detecting when the cursor is positioned over any of said plurality of user interface objects (page 246, figure 13-4);
c. determining whether the application represented by the user interface object over which the cursor is positioned is in a busy state or a currently accessible state; and (page 138, figure 7-3)
d. selectively displaying a first image for the cursor if the application is currently accessible (page 138, figure 7-3),
e. a second image for the cursor if the application is in the foreground and is in a busy state, or a (page 138, figure 7-3)
f. third image for the cursor if the application is in the background and is in a busy state, while the cursor is positioned over said object (page 138, figure 7-3),
g. wherein said first and second images are distinct from each other, and said third image is based on a visual combination of the first and second images (page 138, figure 7-3).

Claim 22: Simpson discloses the method of claim 21:

a. wherein one of said plurality of user interface objects that represents said application comprises a window, and (page 31, Managing Windows)

b. another of said plurality of objects that represents said application is a member of the group comprising an icon, a minimized window and a button (page 246, figure 13-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 23, 24, 26-36, 38-48, 50-58 rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (Windows 95 Uncut) in view of Malamud (US 6,606,101) and further in view of Marks (US 6, 097,390).

Claims 23, 35 and 47: Simpson discloses a computer readable medium containing a user interface and a method comprising:

a. at least two different images for a cursor, including a first image which comprises a pointer arrow having a tail, and (page 138, figure 7-3)
b. a second image which comprises a hybrid consisting of a pointer arrow with a graphic in place of said tail, wherein said graphic represents a condition of a process; and (page 138, figure 7-3)
c. means for normally displaying a cursor with said first image and (page 138, figure 7-3)

d. displaying means for switching the display to said second image upon detecting that said cursor is associated with a user interface object that corresponds with said condition (page 138, figure 7-3),

but does not disclose said condition is the dragging of an object, and said displaying means switches said display upon initiation of a drag operation. However, Malamud discloses using "information pointers" (column 12, lines 65-67, and column 12, lines 1-41) in drag and drop operations. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add supplementing the pointer when initiating a drag and drop. One would have been motivated to display a different pointer image when initiating a drag and drop in order to remind the user what operation they are engaging in.

Marks discloses that a visual pointer can take different shapes to indicate operations such as drag and drop (column 1, lines 36-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to display a different pointer image when initiating a drag and drop. One would have been motivated to display a different pointer image when initiating a drag and drop because pointer images are often used to indicate the current operation.

Claims 24, 36 and 48: Simpson discloses the computer readable medium and method of claims 23, 35 and 47

a. wherein said condition is a busy state for an application, and (page 138, figure 7-3)
b. said displaying means switches said display upon detecting that the cursor is positioned over a user interface object associated with an application in a busy state (page 138, figure 7-3).

Claims 26, 38 and 50: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 23, 35 and 47 and Malamud further discloses:

a. further including a third image comprising a hybrid consisting of a pointer arrow with a graphic in place of said tail that represents a copy operation, and (column 12, lines 65-67, and column 12, lines 1-41)
b. wherein said displaying means switches said display from said second image to said third image upon detecting that the cursor is positioned over a destination object to which the dragged object can be copied (column 12, lines 65-67, and column 12, lines 1-41).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to further include a third image comprising a hybrid consisting of a pointer arrow with a graphic in place of said tail that represents a copy operation, and wherein said displaying means switches said display from said second image to said third image upon detecting that the cursor is positioned over a destination object to which the dragged object can be copied. One would have been motivated to further include a third image comprising a hybrid consisting of a pointer arrow with a

graphic in place of said tail that represents a copy operation, and wherein said displaying means switches said display from said second image to said third image upon detecting that the cursor is positioned over a destination object to which the dragged object can be copied in order to remind the user that the operation to be performed is a copy operation.

Claims 27, 39 and 51: Simpson, Malamud and Marks disclose the computer readable medium and method claims 26, 38 and 50 and Malamud further discloses

a. wherein the graphic of said second image has a first color, and (column 9, lines 9-10)
b. the graphic of said third image has a second, different color (column 9, lines 9-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein the graphic of said second image has a first color, and the graphic of said third image has a second, different color. One would have been motivated add wherein the graphic of said second image has a first color, and the graphic of said third image has a second, different color to further distinguish between the two graphics.

Claims 28, 30, 40, 42, 52 and 54: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 25, 26, 37, 38, 49 and 50 and Marks further discloses wherein said graphic of said second image includes a quantitative value that

represents a characteristic of the dragged object (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object. One would have been motivated to add wherein said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object to indicate the progress of the operation.

Claims 29, 41 and 53: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 28, 40 and 52 and Marks further discloses wherein the graphic of said third image also includes said quantitative value (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein the graphic of said third image also includes said quantitative value. One would have been motivated to add wherein the graphic of said third image also includes said quantitative value in order to indicate the state of the process being executed.

Claims 31, 43 and 55: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 30, 42 and 54 and Marks further discloses wherein said quantitative value indicates the number of objects that are being dragged (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein

said quantitative value indicates the number of objects that are being dragged. One would have been motivated to add wherein said quantitative value indicates the number of objects that are being dragged to know the magnitude of the operation about to be executed.

Claims 32, 44 and 56: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 30, 42 and 54 and Marks further discloses wherein said quantitative value indicates the size of one or more objects being dragged (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein said quantitative value indicates the size of one or more objects being dragged. One would have been motivated to add wherein said quantitative value indicates the size of one or more objects being dragged to know the magnitude of the operation about to be executed.

Claims 33, 45 and 57: Simpson, Malamud and Marks disclose the computer readable medium and method of claims 30, 42 and 54 and Marks further discloses wherein said graphic comprises a geometric object, and the size of said geometric object is dynamically varied to accommodate said quantitative value (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein said graphic comprises a geometric object, and the size of said geometric object is dynamically

varied to accommodate said quantitative value. One would have been motivated to add wherein said graphic comprises a geometric object, and the size of said geometric object is dynamically varied to accommodate said quantitative value to know the magnitude of the operation about to be executed.

Claims 34, 46 and 58: Simpson, Malamud and Marks disclose the computer readable medium and method of claim 23, 35 and 47 and Marks further discloses wherein said graphic indicates that an object being dragged will be deleted (column 3, lines 54-67 and column 4, lines 1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Simpson to add wherein said graphic indicates that an object being dragged will be deleted. One would have been motivated to add wherein said graphic indicates that an object being dragged will be deleted in order for the user to know that the object being dragged will not reside in two locations, only in the destination location.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
3/24/08

/Ba Huynh/

Primary Examiner, Art Unit 2179